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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/680,358	10/07/2003	Frank J Schwab	4002-3426/PC819.00

CONFIRMATION NO. 5654

FORMALITIES LETTER

OC000000014376060

OC000000014376060

Woodard, Emhardt, Moriarty
 McNett & Henry LLP
 Bank One Center/Tower, Suite 3700
 111 Monument Circle
 Indianapolis, IN 46204-5137

Date Mailed: 11/16/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

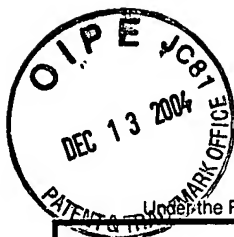
*A copy of this notice **MUST** be returned with the reply.*

Z-Moguss

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



004002-003426.DAC.316706

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/680,358
	Filing Date	October 7, 2003
	First Named Inventor	Frank J. Schwab
	Art Unit	3732
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	4002-3426/PC819.00

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="text"/>	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): X Copies of 1/7/2004 filing (Response to Missing Parts).
Remarks <input type="text"/>		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or individual name	Douglas A. Collier, #43,556 Woodard, Emhardt, Moriarty, McNeft & Henry LLP	
Signature		
Date	December 9, 2004	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below			
Typed or printed name	Douglas A. Collier		
Signature		Date	December 9, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



000002-003426.DAC.316684

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent)	
application of:)	Before the Examiner
)	
Frank J. Schwab et al.)	
)	
Serial No. 10/680,358)	
)	Group Art Unit 3732
Filed October 7, 2003)	
)	
INSERTION DEVICE AND)	AttyDocket No. 4002-3426/PC819.00
TECHNIQUES FOR ORTHOPAEDIC)	
IMPLANTS)	December 9, 2004

RESPONSE TO NOTICE TO FILE MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice to File Missing Parts of Application was mailed by the Patent Office for the above-identified application on Nov. 16, 2004. A first Notice to File Missing Parts was also mailed by the Patent Office for this application on January 2, 2004. Applicants submitted a response to this first Notice on January 7, 2004, a copy of which is enclosed along with the return postcard indicating receipt of the same by the Patent Office mailroom. It is believed the response mailed on January 7 was timely submitted and a complete response to the first Notice, and entry of the same is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 9, 2004.

Douglas A. Collier

Name of Registered Representative

Douglas A. Collier

Signature

Dec. 9, 2004

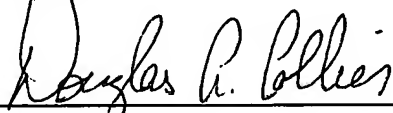
Date of Signature

Furthermore, entry of each of the attorney names listed on the Power of Attorney form is requested since such entry would have been made had the January 7, 2004, response been timely considered by the Patent Office. A filing receipt indicating entry of the same along with receipt of the missing parts is respectfully requested.

Since the January 7, 2004, response was certified with a Certificate of Mailing indicating that it was deposited on that date in first class mail to the Patent Office, no fees for responding to the second Notice of Missing Parts are enclosed herewith. Should any extensions of time be necessary or fees be due for consideration of this response, please provide the same and any charges to Deposit Account 23-303, but not including the payment of issue fees. Part 2 of the second Notice to be returned with the response is enclosed herewith.

The examiner is encouraged to contact the undersigned should there be any questions or if additional information is needed.

Respectfully submitted

By: 
Douglas A. Collier
Reg. No. 43,556
Woodard, Emhardt, Moriarty,
McNett & Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456



004002-003426.DAC.258830

Approved for use through 07/31/2006. OMB 0651-0031

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/680,358
	Filing Date	October 7, 2003
	First Named Inventor	Frank J. Schwab
	Art Unit	3732
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	4002-3426/PC819.00

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="text"/>	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): X Assignment & Recordation Form X Response to Notice to File Missing Parts X Dec. and Power of Attorney
Remarks <input type="text"/>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or individual name	Douglas A. Collier Woodard, Emhardt, Moriarty, McNett & Henry LLP
Signature	<i>Douglas A. Collier</i> #43,556
Date	January 7, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below			
Typed or printed name	Douglas A. Collier	Date	January 7, 2004
Signature	<i>Douglas A. Collier</i>		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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004002-003426.DAC.258831

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL FOR FY 2004		Complete if Known	
Effective 01/01/2003. Patent fees are subject to annual revision.		Application Number	10/680,358
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	October 7, 2003
Total Amount of Payment (\$170.00)		First Named Inventor	Frank J. Schwab
		Group Art Unit	3732
		Examiner Name	
		Attorney Docket Number	4002-3426/PC819.00
METHOD OF PAYMENT		FEE CALCULATION (continued)	
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		3. ADDITIONAL FEES	
<input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 23-3030 Deposit Account Name: Woodard, Emhardt, Moriarty, McNett & Henry LLP		Large Entity Small Entity	
The Commissioner is authorized to: (check all that apply)		Fee Code Fee (\$)	
<input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Credit any overpayments		1051 130 2051 65	
<input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application, excluding the payment of issue fees		1052 50 2052 25	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		1053 130 1053 130	
FEE CALCULATION		1812 2,520 1812 2,520	
1. BASIC FILING FEE		1804 920* 1804 920*	
Large Fee Code Entity Fee (\$)		1805 1,840* 1805 1,840*	
Small Fee Code Entity Fee (\$)		1251 110 2251 55	
Fee Description Fee Paid		1252 420 2252 210	
1001 770 2001 385 Utility Filing Fee		1253 950 2253 475	
1002 340 2002 170 Design Filing Fee		1254 1,480 2254 740	
1003 530 2003 285 Plant Filing Fee		1255 2,010 2255 1,005	
1004 770 2004 385 Reissue Filing Fee		1401 330 2401 165	
1005 160 2005 80 Provisional Filing Fee		1402 330 2402 165	
SUBTOTAL (1) (\$)		1403 290 2403 145	
2. EXTRA CLAIM FEES		1451 1,510 1451 1,510	
Total Claims -20** = X =		1452 110 2452 55	
Independent Claims -3** = X =		1453 1,330 2453 665	
Multiple Dependent = =		1501 1,330 2501 665	
Large Entity Small Entity Fee Description		1502 480 2502 240	
Fee Code Fee (\$)		1503 640 2503 320	
1202 18 2202 9 Claims in excess of 20		1460 130 1460 130	
1201 86 2201 43 Independent claims in excess of 3		1807 50 1807 50	
1203 290 2203 145 Multiple dependent claim, if not paid		1806 180 1806 180	
1204 86 2204 43 **Reissue independent claims over original patent		8021 40 8021 40	
1205 18 2205 9 **Reissue claims in excess of 20 and over original patent		1809 770 2809 385	
SUBTOTAL (2) (\$)		1810 770 2810 385	
*or number previously paid, if greater. For Reissues, see above		1801 770 2801 385	
		1802 900 1802 900	
		Other Fee (specify)	
		* Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 170)	
SUBMITTED BY		Complete (if applicable)	
Name (Print/Type) Douglas A. Collier		Registration No. 43,556	Telephone (317) 634-3456
Signature <i>Douglas A. Collier</i>		Date January 7, 2004	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.136(e). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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004802-003426.DAC.258829

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent)	
application of:)	Before the Examiner
)	
Frank J. Schwab et al.)	
)	
Serial No. 10/680,358)	
)	Group Art Unit 3732
Filed October 7, 2003)	
)	
INSERTION DEVICE AND TECHNIQUES))	
FOR ORTHOPAEDIC IMPLANTS)	January 7, 2004

RESPONSE TO NOTICE TO FILE MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application—Filing Date

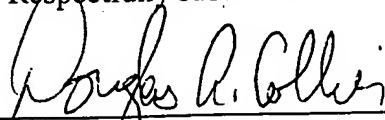
Granted of October 7, 2003, please file the following executed documents:

- (1) Declaration for Utility or Design Patent Application;
- (2) Copy of the Notification of Parts of Nonprovisonal Application;
- (4) Check for the surcharge of \$130.00; and
- (5) Assignment and Assignment Recordation Fee.

It is believed the application is now in condition for examination and such action by the Examiner is respectfully requested.

Respectfully submitted

By:



Douglas A. Collier

Reg. No. 43,556

Woodard, Emhardt, Moriarty,

McNett & Henry LLP

Bank One Center/Tower

111 Monument Circle, Suite 3700

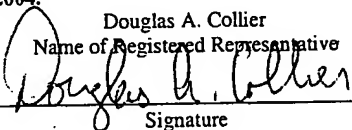
Indianapolis, Indiana 46204-5137

(317) 634-3456

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 7, 2004.

Douglas A. Collier

Name of Registered Representative



Signature

Jan. 7, 2004

Date of Signature